

R590. Insurance, Administration.

R590-226. Submission of Life Insurance Filings.

R590-226-1. Authority.

This rule is promulgated by the insurance commissioner pursuant to Subsections 31A-2-201(3), 31A-2-201.1, and 31A-2-202(2).

R590-226-2. Purpose and Scope.

(1) The purpose of this rule is to set forth the procedures for submitting:

- (a) life insurance filings required by Section 31A-21-201;
- (b) viatical filings required by Rule R590-222; and
- (c) report filings required by R590-177.

(2) This rule applies to:

- (a) all types of individual and group life insurance; ~~[-and]~~ variable life insurance; ~~and~~ viatical; and
- (b) group life insurance contracts issued to nonresident policyholders, including trusts, when Utah residents are provided coverage by certificates of insurance.

R590-226-3. Documents Incorporated by Reference.

(1) The department requires that the documents described in this rule must be used for all filings.

(a) Actual copies may be used or you may adapt them to your word processing system.

(b) If adapted, the content, size, font, and format must be similar.

(2) The following documents are hereby incorporated by reference and are available on the department's website, www.insurance.utah.gov.

(a) "NAIC Life, Accident and Health, Annuity, Credit Transmittal Document," dated ~~[January 1, 2006]~~ March 1, 2007.

(b) "NAIC Uniform Life, Accident and Health, Annuity and Credit Coding Matrix," dated ~~[January 1, 2006]~~ March 1, 2007.

(c) "NAIC Life, Accident and Health, Annuity, Credit Transmittal Document (Instructions)," dated ~~[January 1, 2006]~~ March 1, 2007. ~~[-"NAIC Instruction Sheet for Life, Accident and Health, Annuity, Credit Transmittal Document," dated January 1, 2006.]~~

~~(d) ["NAIC Instruction Sheet for Life, Accident and Health, Annuity, Credit Transmittal Document Form Filing Attachment," dated January 1, 2006.]~~

~~—(e)]~~ "Utah Life Filing Certification for Individual," dated ~~[June 2006]~~ July 2007.

~~[(+f)]~~ (e) "Utah Life Filing Certification for Group," dated ~~[June 2006]~~ July 2007.

~~[(+g)]~~ (f) "Utah Life and Annuity Group Questionnaire," dated ~~[June 2006]~~ July 2007.

~~[(+h)]~~ (g) "Utah Life and Annuity Request for Discretionary Group Authorization," dated ~~[June 2006]~~ July 2007.

~~[(+i)]~~ (h) "Utah Annual Life Insurance Illustration Certification Filing Checklist," dated ~~[June 2006]~~ July 2007.

R590-226-4. Definitions.

In addition to the definitions in Section 31A-1-301, the

following definitions shall apply for the purpose of this rule:

(1) "Certification" means a statement that the filing being submitted is in compliance with Utah laws and rules.

(2) "Data page" means the page or pages in a policy or certificate that provide the specific data for the insured detailing the coverage provided and may be titled by the insurer as policy specifications, policy schedule, policy information, etc.

(3) "Discretionary group" means a group that has been specifically authorized by the commissioner under Section 31A-22-509.

(4) "Electronic Filing" means:

(a) a filing submitted via the Internet by using the "System for Electronic Rate and Form Filings" (SERFF) System; or

(b) a filing submitted via the Internet by using the Sircon system; or

(c) A filing submitted via an email system.

~~[(4)]~~ (5) "Eligible group" means a group that meets the definitions in Sections 31A-22-502 through 31A-22-508.

~~[(5)]~~ (6) "Endorsement" means a written agreement attached to a life insurance policy that alters a provision of the policy, for example, a war exclusion endorsement, a name change endorsement and a tax qualification endorsement.

~~[(6)]~~ (7) "File and Use" means a filing can be used, sold, or offered for sale after it has been filed with the department.

~~[(7)]~~ (8) "Filer" means a person or entity that submits a filing.

~~[(8)]~~ (9) "Filing," when used as a noun, means an item required to be filed with the department including:

(a) a policy;

(b) a form;

(c) a document;

(d) an application;

(e) a report;

(f) a certificate;

(g) an endorsement;

(h) a rider;

(i) a life insurance illustration;

(j) a statement of policy cost and benefit information; and

(k) an actuarial memorandum, demonstration, and

certification.

(10) "Filing Objection Letter" means a letter issued by the commissioner when a review has determined the filing fails to comply with Utah law and rules. The filing objection letter, in addition to requiring correction of non-compliant items, may request clarification or additional information pertaining to the filing.

~~[(9)]~~ (11) "Filing status information" means a list of the states to which the filing was submitted, the date submitted, and the states' actions, including their responses.

~~[(10)]~~ (12) "Issue Ages" means the range of minimum and maximum ages for which a policy or certificate will be issued.

~~[(11)]~~ (13) "Letter of Authorization" means a letter signed by an officer of the insurer on whose behalf the filing is submitted

that designates filing authority to the filer.

~~[(12)]~~ (14) "Market type" means the type of policy that indicates the targeted market such as individual or group.

~~[(13)]~~ (15) "Order to Prohibit Use" means an order issued by the commissioner that ~~[forbids]~~ prohibits the use of a filing.

~~[(14)]~~ (16) Rejected" means a filing is:

(a) not submitted in accordance with applicable laws or rules;

(b) returned to the filer by the department with the reasons for rejection; and

(c) not considered filed with the department.

~~[(15)]~~ (17) "Rider" means a written agreement attached to a life insurance policy or certificate that adds a benefit, for example, a waiver of premium rider, an accidental death benefit rider and a term insurance rider.

~~[(16)]~~ (18) "Type of insurance" means a specific life insurance product including, but not limited to, term, universal, variable, or whole life. ~~[Refer to the NAIC Coding Matrix.]~~

(19) "Utah Filed Date" means the date provided to a filer by the Utah Insurance Department, that indicates a filing has been accepted pursuant to Subsection 7.

R590-226-5. General Filing Information.

(1) Each filing ~~[document]~~ submitted ~~[within the filing]~~ must be accurate, consistent, ~~[-and]~~ complete~~[-. Each filing must]~~ and contain all required documents in order for the filing to be processed in a timely and efficient manner. The commissioner may request any additional information deemed necessary.

(2) ~~[Insurers]~~ Licensees and filers are responsible for assuring that a filing is in compliance with Utah laws and rules. A [F]ilings not in compliance with Utah laws and rules are subject to regulatory action under Section 31A-2-308.

(3) A filing that does not comply with this rule ~~[may]~~ will be rejected and returned to the filer. A rejected filing:

(a) is not considered filed with the department[-];

(b) must be submitted as a new filing; and

(c) will not be reopened for purposes of resubmission.

(4) A prior filing will not be researched to determine the purpose of the current filing.

(5) The department does not review or proofread every filing.

(a) A [F]iling[s] may be reviewed:

(i) when submitted;

(ii) as a result of a complaint;

(iii) during a regulatory examination or investigation; or

(iv) at any other time the department deems necessary.

(b) If a filing is reviewed and is ~~[found to be]~~ not in compliance with Utah laws and rules, a Filing Objection Letter or an [ORDER TO PROHIBIT USE] Order To Prohibit Use will be issued to the filer. The commissioner may require the filer to disclose deficiencies in forms or rating practices to affected ~~[policyholders]~~ insureds.

(6) Filing Correction.

(a) Filing corrections are considered informational.

(b) Filing corrections must be submitted within 30 days of

the date the original filing was submitted to the department.

~~[(a) No filing transmittal is required when making a correction to a misspelled word and punctuation in a filing. The filing will be considered an informational filing.~~

~~_____ (b) No transmittal is required when a clerical correction is made to a previous filing if submitted within 30 days of the date filed with the department.] The filer must reference the original filing [or include a copy of the original transmittal].~~

(c) A new filing is required if a ~~[clerical]~~filing correction is made more than 30 days after the date the original filing was submitted to~~[filed with]~~ the department. The filer must reference the original filing~~[or include a copy of the original transmittal]~~.

(7) If responding to a Filing Objection Letter or an Order to Prohibit Use, refer to R590-226-15 for instructions.

(8) Filing withdrawal. A filer must notify the department when withdrawing a previously filed form, rate, or supplementary information.

R590-226-6. Filing Submission Requirements.

(1) All filing must be submitted electronically.

(2) A [F]ilings must be submitted by market type and type of insurance.

(3) A filing may not include more than one type of insurance, or request filing for more than one insurer. [~~A complete filing consists of the following documents submitted in the following order:~~]

(4) SERFF Filings.

(a) Filing Description. Do not submit a cover letter. On the general information tab, complete the Filing Description section with the following information, presented in the order shown below.

(i) Provide a description of the filing.

(ii) Indicate if the filing:

(A) is new;

(B) is replacing or modifying a previous submission; if so, describe the changes made, if previously rejected the reasons for rejection, and the previous Utah Filed Date;

(C) includes forms for informational purposes; if so, provide the Utah Filed Date; or

(D) does not include the base policy; if so, provide the Utah Filed Date of the base policy and describe the effect on the base policy.

(iii) Identify if any of the provisions are unusual, controversial, or have been previously objected to, or prohibited, and explain why the provision is included in the filing.

(iv) Explain any change in benefits or premiums that may occur while the contract is in force.

(v) List the issue ages, which means the range of minimum and maximum ages for which a policy will be issued.

(vi) List the minimum death benefit.

(vii) Identify the intended market for filing, such as senior citizens, nonprofit organizations, association members, corporate

owned, bank owned, etc.

(b) Certification. The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules. The "Utah Life Insurance Filing Certification for Individual" or the "Utah Life Insurance Filing Certification for Group" must be properly completed, signed, and attached to the supporting documentation tab. A false certification may subject the licensee or filer to administrative action.

(c) Domiciliary Approval and Filing Status Information. All filings for a foreign insurer must include on the supporting documentation tab:

(i) copy of domicile approval for the exact same filing;
(ii) filing status information, which includes:
(A) a list of the states to which the filing was submitted;
(B) the date submitted; and
(C) summary of the states' actions and their responses; or
(iii) if the filing is specific to Utah and only filed in Utah, then state, "UTAH SPECIFIC - NOT SUBMITTED TO ANY OTHER STATE."

(d) Group Questionnaire or Discretionary Group Authorization Letter. A group filing must attach to the supporting documentation tab either a:

(i) signed and fully completed "Utah Life and Annuity Group Questionnaire"; or

(ii) copy of the Utah Life and Annuity Discretionary Group Authorization letter.

(e) Letter of Authorization.

(i) When the filer is not the insurer, a letter of authorization from the insurer must be attached to the supplementary documentation tab.

(ii) The insurer remains responsible for the filing being in compliance with Utah laws and rules.

(f) Statement of Variability. Any item or provision on the data page or within the form that is variable must be contained within the brackets.

(i) List the ranges of variable items or factors within the brackets.

(ii) Each variable item must be identified and explained in a statement of variability.

(iii) If the information contained within the brackets changes, the form must be refilled.

(g) Life Insurance Illustration Materials. If the life insurance form is identified as illustrated, the filing must include a sample:

(i) basic illustration complete with data in John Doe fashion;

(ii) current illustration actuary's certification;

(iii) company officer certification; and

(iv) same annual report.

(h) Statement of Policy Cost and Benefit Information. If the life insurance form is not illustrated, the filing must include a sample of the Statement of Policy Cost and Benefit Information.

(i) Items being submitted for filing.

(i) Any forms must be attached to the form schedule tab.

(ii) Any rating documentation, including actuarial memorandums and rate schedules, must be attached to the rate or rule schedule.

(iii) Actuarial Memorandum, Demonstration, and Certification of Compliance. An actuarial memorandum, demonstration of compliance, and a certification of compliance are required in individual and group life insurance filings. The memorandum must be currently dated and signed by the actuary. The memorandum must include:

(A) description of the coverage in detail;

(B) demonstration of compliance with applicable nonforfeiture and valuation laws; and

(C) a certification of compliance with Utah law.

(5) Sircon Filings.

~~[(1)]~~ (a) Transmittal. ~~[Note: Based on the use of the NAIC Transmittal Document, a cover letter is not required.]~~ The "NAIC Life, Accident and Health, Annuity, Credit Transmittal Document," as provided in R590-226-3, must be properly completed. ~~[used.]~~

(i) Complete the transmittal by using the following:

(A) NAIC Life, Accident and Health, annuity, Credit Transmittal Document (instructions); and

(B) NAIC Uniform Life, Accident and Health, annuity and Credit Coding Matrix. ~~[It can be found at~~

~~www.insurance.utah.gov/LH-Trans.pdf.~~

~~(a) COMPLETE THE TRANSMITTAL BY USING THE FOLLOWING:~~

~~(i) "NAIC Coding Matrix"~~

~~www.insurance.utah.gov/LifeA&H-Matrix.pdf,~~

~~(ii) "NAIC" Instruction Sheet"~~

~~www.insurance.utah.gov/LH-Trans-Inst.pdf,~~

~~(iii) "Life Content Standards"~~

~~www.insurance.utah.gov/Life-STM.html.]~~

~~[(iv)]~~ (ii) Do not submit the documents described in [section] Subsections (a) (i) (A) and (B), [(ii), and (iii)] with a filing.

(b) Filing Description ~~[Section].~~ Do not submit a cover letter. In Section 15 of the transmittal, complete t[F]he Filing Description with the following information ~~[must be included in the Filing Description Section of the NAIC transmittal and must be]~~ presented in the order shown below ~~[+].~~

(i) Provide a description of the filing.

(ii) Indicate if the filing:

(A) is new;

~~[(i)]~~ Domiciliary Approval and Filing Status Information. ~~Foreign insurers and filers must first submit filings to their domicile state. All filings must include domicile and filing status information.~~

~~(A) If a filing was submitted to the domicile state, provide a stamped copy of the approval letter from the domicile state for the exact same filing; and~~

~~(B) If a filing was not submitted to the domicile state, or the domicile state did not provide specific approval for the filing, then the following alternate filing status information must be provided:~~

~~— (I) a list of the states to which the filing was submitted;~~
~~— (II) the date submitted;~~
~~— (III) the states' actions and their responses.~~
~~— (C) If the filing is specific to Utah and only filed in Utah, then Section 14 of the transmittal must be completed stating, "UTAH SPECIFIC NOT SUBMITTED TO ANY OTHER STATE."~~
~~— (ii) Marketing Facts.~~
~~— (A) List the issue ages.~~
~~— (B) List the minimum death benefit.~~
~~— (C) Identify and describe the type of group.~~
~~— (D) Identify the intended market for the filing, such as senior citizens, nonprofit organizations, association members, corporate owned, bank owned, etc.~~
~~— (E) Describe the marketing and advertising in detail, i.e. through a marketing association, mass solicitation, electronic media, financial institutions, Internet, telemarketing, or individually through licensed producers.~~
~~— (iii) Description of Filing.~~
~~— (A) Provide a detailed description of the purpose of the filing.~~
~~— (B) Describe the benefits and features of each form in the filing including specific features and options, including nonforfeiture options.~~
~~— (C) Identify any new, unusual, or controversial provisions.~~
~~— (D) Identify any unresolved previously prohibited provisions and explain why the provisions are included in the filing.~~
~~— (E) Explain any changes in benefits, charges, terms, premiums, or other provisions that may occur while the policy is in force.~~
~~— (F) If the filing]~~
~~— (B) is replacing or modifying a previous submission[7]; if so, describe the changes made, if previously rejected the reasons for rejection, and the previous Utah Filed Date;~~
~~— (C) [provide information that identifies the filing being replaced or modified, the Utah filed date, and a detailed description of the changes and highlight the changed provisions.~~
~~— (G) If the filing] includes forms for informational purposes[7]; if so, provide the Utah Filed Date; or~~
~~— (D) [provide the dates the forms were filed. If filing an application, rider, or endorsement, and the filing] does not include the base [contain a] policy[7]; if so, provide[identify the affected policy form number,] the Utah [filed date,] Filed Date of the base policy and describe the effect of the submitted forms on the base policy.~~
~~— (iii) Identify if any of the provisions are unusual, controversial, or have been previously objected to, or prohibited, and explain why the provision is included in the filing.~~
~~— (iv) Explain any change in benefits or premiums that may occur while the contract is in force.~~
~~— (v) List the issue ages, which means the range of minimum and maximum ages for which a policy will be issued;~~
~~— (vi) List the minimum death benefit~~
~~— (vii) Identify the intended market for the filing, such as~~

senior citizens, nonprofit organizations, association members, corporate owned, bank owned, etc.

~~[(iv) Underwriting Methods. Provide a general explanation of the underwriting applicable to this filing.]~~

~~[(2)]~~ (c) Certification. ~~[In addition to completing the certification on the NAIC transmittal, the]~~ The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules. ~~[complete and submit the]~~ The "Utah Life Insurance Filing Certification for Individual" or the "Utah Life Insurance Filing Certification for Group[-]" must be properly completed and signed. A false[-A filing will be rejected if the] certification [is missing or incomplete. A certification that is inaccurate] may subject the licensee or filer to administrative action.

(d) Domiciliary Approval and Filing Status Information. All filings for a foreign insurer must include:

(i) a copy of domicile approval for the exact same filing;
(ii) a filing status information which includes:
(A) a list of the states to which the filing was submitted;
(B) the date submitted; and
(C) summary of the states' actions and their responses; or
(iii) if the filing is specific to Utah and only filed in Utah, then section 14 of the transmittal must be completed stating, "UTAH SPECIFIC - NOT SUBMITTED TO ANY OTHER STATE."

~~[(3)]~~ (e) Group Questionnaire or Discretionary Group Authorization Letter. All group filings must attach[identify each type of group, and include] either a:

(i) signed and fully completed "Utah Life and Annuity Group Questionnaire;[-]" or
(ii) a copy of the "Utah Life and Annuity Discretionary Group Authorization Letter."

~~[(4)]~~ (f) Letter of Authorization.

(i) When the filer is not the insurer, a letter of authorization from the insurer must be included.

(ii) The insurer remains responsible for the filing being in compliance with Utah laws and rules.

~~[(5)]~~ (g) Statement of Variability. Any item or provision on the data page or within the form that is variable must be contained within the brackets. List the ranges of variable items or factors within the brackets. Each variable item must be identified and explained in a statement of variability. If the information contained within the brackets changes, the form must be refiled.

~~[(6)]~~ (h) Items being submitted for filing. Any form items submitted for filing must be attached to the product forms tab. ~~[Refer to each applicable subsection of this rule for general procedures and additional procedures on how to submit forms and reports.]~~

~~[(7)]~~ (i) Life Insurance Illustration Materials. If the life insurance form is identified as illustrated, the filing must include a sample:

~~[(a)]~~ (i) basic illustration completed with data in John Doe fashion;

~~[(b)]~~ (ii) current illustration actuary's certification;

~~[(e)]~~ (iii) company officer certification; and
~~[(d)]~~ (iv) sample annual report.
~~[(8)]~~ (j) Statement of Policy Cost and Benefit Information.
If the life insurance form is not illustrated, the filing must include a sample of the Statement of Policy Cost and Benefit Information.
~~[(9)]~~ (k) Actuarial Memorandum, Demonstration, and Certification of Compliance. An actuarial memorandum, demonstration of compliance, and a certification of compliance are required in individual and group life insurance filings. The memorandum must be currently dated and signed by the actuary. The memorandum must include:
~~[(a)]~~ (i) description of the coverage in detail;
~~[(b)]~~ (ii) demonstration of compliance with applicable nonforfeiture and valuation laws; and
~~[(e)]~~ (iii) a certification of compliance with Utah law.
~~[(10)]~~ Return Notification Materials.
~~— (a) Return notification materials are limited to:~~
~~— (i) a copy of the transmittal; and~~
~~— (ii) a self addressed, stamped envelope.~~
~~— (b) Notice of filing will not be provided unless return notification materials are submitted.]~~
(6) Email Filings - viatical providers only. The subject of the Email must display the company name only and be submitted to life.uid@utah.gov.
(a) Filing Description.
(i) Provide description of the forms being filed.
(ii) Indicate if the filing:
(A) is new;
(B) is replacing or modifying a previous submission, if so, describe the changes made, if previously rejected the reasons for rejection, and the previous Utah Filed Date; and
(C) if the filing includes forms for informational purposes, provide the Utah Filed Dates.
(b) Letter of Authorization.
(i) When the filer is not the licensee, a letter of authorization from the licensee must be attached.
(ii) The licensee remains responsible for the filing being in compliance with Utah laws and rules.
(c) Items being submitted for filing. Any items submitted for filing must be submitted in PDF format.
(7) Refer to each applicable Section of this rule for additional procedures on how to submit forms and reports.

R590-226-7. Procedures for Filings.

(1) Forms in General.
(a) Forms are "File and Use" filings.
(b) Each form must ~~[-]~~
~~[(i)]~~ be identified by a unique form number ~~[-and]~~. The form number may not be variable.
~~[(ii)]~~ (c) Forms must contain a descriptive title on the cover page.
~~[(e)] The form number and the policy cover page descriptive~~

~~title may not be variable.]~~

(d) Forms must be in final printed form or printer's proof format. Drafts may not be submitted.

(e) Specific sections may be filed with variable data by placing brackets around affected information. Variable data must be identified within the specific section, or on a separate sheet included with the submission.

(f) Blank spaces within~~[F]~~the form must be completed in John Doe fashion to accurately represent the intended market, purpose, and use.

(i) If the market intended is for the senior age group, the form must be completed with data representative of senior insureds.

(ii) All John Doe data in the forms including the data page must be accurate and consistent with the actuarial memorandum, the basic illustration, the Statement of Policy Cost and Benefit information, and the application, as applicable.

~~[(iii) When submitting a rider or endorsement, include a sample policy data page that includes the rider or endorsement information.]~~

~~[(iv) Forms may include variable data within brackets. All variable data must be identified within the specific section, or a statement of variability included with the submission.]~~

(2) Application Filing.

(a) Each application or enrollment form may be submitted as a separate filing or may be filed with its related policy or certificate filing.

(b) If an application has been previously filed or is filed separately, an informational copy of the application must be included with the policy or certificate filing.

~~[(2)]~~ (3) Policy Filings.

(a) Each type of insurance must be filed separately.

(b) A policy filing consists of one policy form, ~~for a single type of insurance~~ including its related forms, such as the application, sample data page, rider, endorsement, and actuarial memorandum.

~~[(b)]~~ (c) A policy data page must be included with every policy filing.

~~[(c)]~~ (d) Only one policy form for a single type of insurance may be filed, in each filing a life insurance policy with different premium payment periods is considered one form.

~~[(d)]~~ (e) A policy data page that changes the basic feature of the policy may not be filed without including the entire policy form in the filing. A filing consisting of only a data page without the policy form will be rejected as incomplete.

~~[(3)]~~ (4) Rider or Endorsement Filing.

(a) Related riders or endorsements may be filed together~~as a single filing~~.

(b) A single rider or endorsement that affect multiple forms may be filed if the Filing Description references all affected forms.

(c) A rider or endorsement that is based on morbidity risks, such as critical illness or long-term care, is considered accident and health insurance and must be filed in accordance with Rule

R590-220, "Accident and Health Insurance Filings."

~~[(c) A single rider or endorsement that affects multiple policy forms may be filed separately if the Filing Description references all affected forms.]~~

(d) The filing must include:

- (i) a listing of all base policy form numbers, title and ~~[dates filed with the]~~ Utah Filed Dates~~[Insurance Department]~~;
- (ii) a description of how each filed rider or endorsement affects the base policy; and
- (iii) a sample data page with data for the submitted form.

(e) Unrelated riders or endorsement may not be filed together.

~~[(4) Application Filings. Each application or enrollment form may be submitted as a separate filing or may be filed with its related policy or certificate filing. If an application has been previously filed or is filed separately, an informational copy of the application must be included with the policy or certificate filing.]~~

R590-226-8. Additional Procedures for Individual Life Insurance Forms and Group Life Insurance Certificates Marketed Individually.

(1) Insurers filing life insurance forms are advised to review the following code sections and rules prior to submitting a filing:

- (a) Section 31A-21 Part III, "Specific Clauses in Contracts;"
- (b) Section 31A-22 Part IV, "Life Insurance and Annuities;"
- (c) R590-79, "Life Insurance Disclosure Rule;"
- (d) R590-93, "Replacement of Life Insurance and Annuities;"
- (e) R590-94, "Smoker/Nonsmoker Mortality Tables;"
- (f) R590-95, "Minimum Nonforfeiture Standards 1980 CSO and 1980 CET Mortality Tables;"
- (g) R590-98, "Unfair Practice in Payment of Life Insurance and Annuity Policy Values;"
- (h) R590-108, "Interest Rate During Grace Period or Upon Reinstatement of Policy;"
- (i) R590-122, "Permissible Arbitration Provisions;"
- (j) R590-177, "Life Insurance Illustrations;"
- (k) R590-191, "Unfair Life Insurance Claims Settlement Practice;"

- (l) R590-198, "Valuation of Life Insurance Policies;" and
- (m) R590-223, "Rule to Recognize 2001 CSO Mortality Table."

(2) Every individual life insurance policy, rider or endorsement providing benefits, and every group life insurance filing including certificates that are marketed individually, shall include an actuarial memorandum, a demonstration, and a certification of compliance for nonforfeiture and valuation. Refer to the following:

- (a) Section 31A-22-408, "Standard Nonforfeiture Law for Life Insurance;"
- (b) Section 31A-17 Part V, "Standard Valuation Law."

R590-226-9. Additional Procedures for Group Market Filings.

(1) Insurers submitting group life insurance filings are advised to review the following code sections and rules prior to

submitting a filing:

- (a) Section 31A-21 Part III, "Specific Clauses in Contracts;"
- (b) Section 31A-22 Part IV, "Life Insurance and Annuities;"
- (c) Section 31A-22 Part V, "Group Life Insurance;"
- (d) R590-79, "Life Insurance Disclosure Rule;" and
- (e) R590-191, "Unfair Life Insurance Claims Settlement

Practice."

(2) A policy must be included with each certificate filing along with a master application and enrollment form.

(3) Statement of Policy Cost and Benefit Information. A statement of policy cost and benefit information must be included in non-term group life insurance and preneed funeral policies or prearrangements. This disclosure requirement shall extend to the issuance or delivery of certificates as well as to the master policy in compliance with R590-79-3.

(4) Actuarial Memorandum. An actuarial memorandum must be included in all group life insurance filings describing the coverage in detail and certifying compliance with applicable laws and rules. For non-term group life filings, the memorandum must also demonstrate nonforfeiture compliance with Section 31A-22-515.

(5) Eligible Group. A filing for an eligible group must include a completed "Utah Life and Annuity Group Questionnaire."

(a) A questionnaire must be completed for each eligible group under Section 31A-22-502 through 508.

(b) When a filing applies to multiple employer-employee groups under Section 31A-22-502, only one questionnaire is required to be completed.

(6) Discretionary Group. If a group is not an eligible group, then specific discretionary group authorization must be obtained prior to submitting the filing. If a form filing is submitted without discretionary group authorization, the filing will be rejected.

(a) To obtain discretionary group authorization a "Utah Life and Annuity Request For Discretionary Group Authorization" must be submitted and include all required information.

(b) Evidence or proof of the following items are some factors considered in determining acceptability of a discretionary group:

- (i) existence of a verifiable group;
- (ii) that granting permission is not contrary to public policy;
- (iii) the proposed group would be actuarially sound;
- (iv) the group would result in economies of acquisition and administration which justify a group rate; and
- (v) the group would not present hazards of adverse selection.

(c) Discretionary group filings that do not provide authorization documentation will be rejected.

(d) Any changes to an authorized discretionary group must be submitted to the department, such as; change of name, trustee, domicile state, within 30 days of the change.

(e) The commissioner may periodically re-evaluate the group's authorization.

R590-226-10. Additional Procedures for Variable Life Filings.

- (1) Insurers submitting variable life filings are advised to

review the following code sections and rules prior to submitting a filing:

(a) Section 31A-22-411, "Contracts Providing Variable Benefits;"

(b) R590-133, "Variable Contracts."

(2) A variable life insurance policy must have been previously approved or accepted by the insurer's state of domicile before it is submitted for filing in Utah.

(3) Information regarding the status of the filing of the variable life insurance policy with the Securities and Exchange Commission must be included in the filing.

(4) The transmittal description and the actuarial memorandum must:

(a) describe the types of accounts available in the policy; and

(b) identify those accounts that are separate accounts, including modified guaranteed accounts, and those that are general accounts.

(5) The actuarial memorandum must demonstrate nonforfeiture compliance:

(a) for separate accounts pursuant to Section 31A-22-411; and

(b) for fixed interest general accounts pursuant to Section 31A-22-408.

(c) In addition, for fixed accounts, the actuarial memorandum must:

(i) identify the guaranteed minimum interest rate, and

(ii) identify the maximum surrender charges.

(6) A prospectus is not required to be filed.

R590-226-11. Additional Procedures for Combination Policies, Riders or Endorsements Providing [a Combination of] Life and Accident and Health Benefits.

A filer submitting life and health combination policies, or health riders or endorsement to life policies, is advised to review Rule R590-220

(1) A combination filing ~~[consists of]~~ is a policy, rider, or endorsement ~~[that]~~ which creates a product that provides both life and accident and health insurance benefits.

(a) The two types of acceptable combination filings are:

~~[(a)]~~ a rider or endorsement ~~[attached to a policy;]~~ or

~~[(b)]~~ an integrated policy.

~~[(2)]~~ (b) Combination filings take considerable time to process, and will be processed ~~[separately]~~ by both the ~~[life insurance and the health insurance divisions.]~~ Health Insurance Division, and the Life Section of the Life, Property and Casualty Insurance Division.

~~[(3)]~~ (2) A ~~[C]~~ combination filings must ~~[include transmittals for both the life insurance and the health insurance divisions.]~~ be submitted separately to both the Health Insurance Division and the Life Section of the Life, Property and Casualty Insurance Division.

~~[(4)]~~ (3) (a) For an integrated policy, the filing must be submitted to the appropriate division based on benefits provided in the base policy.

(b) For a rider or endorsement, the filing must be submitted to the appropriate division based on benefits provided in the rider or endorsement.

~~[(+5)]~~ (4) The Filing Description must identify the filing as having a combination of insurance types, such as:

- (a) term policy with a long-term care benefit rider; or
- (b) major medical health policy that includes a life insurance benefit.

R590-226-12. Additional Procedures for Viatical Settlements.

(1) Insurers submitting Viatical Settlements filings are advised to review the following code sections and rules prior to submitting a filing:

- (a) Section 31A-36, "Viatical Settlements Act;"
- (b) Rule R590-222, "Viatical Settlements."

(2) The form filing is to be submitted via email to life.uid@utah.gov.

~~[R590-226-12.]~~ R590-226-13. Insurer Annual Reports.

(1) All insurer annual reports must be properly identified and must be filed separately from other filings. Each annual report must be submitted along with the properly completed report checklist.

(2) "Life Insurance Illustration Certification Annual Report".

(a) Filing must comply with R590-177-11. Life insurers marketing life insurance with an illustration shall provide an annual certification report to the commissioner each year by a date determined by the insurer.

(b) The report must include:

(i) a completed "Utah Life Insurance Illustration Certification Annual Report Checklist";

(ii) ~~two cover letters along with a self-addressed stamped envelope;~~

~~(iii)]~~ an Illustration Actuary's Certification signed and dated;

~~[(+iv)]~~ (iii) a Company Officer's Certification signed and dated; and

~~[(+v)]~~ (iv) a list of all policies forms for which the certification applies.

~~[R590-226-13. Electronic Filings.~~

~~— Filers submitting electronic filings must follow the requirements for both the electronic system and this rule, as applicable.]~~

R590-226-14. Correspondence ~~[,]~~ and Status Checks ~~[, and Responses]~~.

(1) Correspondence. When corresponding with the department, filers must provide sufficient information to identify the original filing:

- (a) type of insurance;
- (b) date of filing;
- (c) form numbers; ~~[and]~~

- (d) submission method, SERFF, Sircon or EMAIL; and
- (e) tracking number[copy of the original transmittal].
- (2) Status Checks. A complete filing is usually processed within 45 days of receipt. A [F]filer[s may] can request the status of [their]its filing by telephone, or email 60 days after the date of submission.

R590-226-15. Responses.

(1) Response to a Filing Objection Letter. A response to a Filing Objection Letter must include:

- (a) a cover letter identifying all changes made;
- (b) revised documents with all changes highlighted; and
- (c) revised documents incorporating all changes without highlights.

(2) Response to an Order to Prohibit Use.

(a) An Order to Prohibit Use becomes final 15 days after the date of the order.

(b) Use of the filing must be discontinued not later than the date specified in the order.

(c) To contest an Order to Prohibit Use, the commissioner must receive a written request for a hearing not later than 15 days after the date of the order.

(d) A new filing is required if the company chooses to make the requested change addressed in the Filing Objection Letter. The new filing must reference the previously prohibited filing.

~~[(3) Response to an Order.~~

~~— (a) A response to an order must include:~~

~~— (i) a response cover letter identifying the changes made;~~

~~— (ii) a copy of the Order to Prohibit Use;~~

~~— (iii) one copy of the revised documents with all changes highlighted; and~~

~~— (iv) return notification materials, which consist of a copy of the response cover letter and a self addressed stamped envelope.~~

~~— (4) Rejected Filings.~~

~~— (a) A rejected filing is NOT considered filed. If resubmitted it is considered a new filing.~~

~~— (b) If resubmitting a previously rejected filing, the new filing must include a copy of the rejection notice.~~

R590-226-15.]R590-226-16. Penalties.

Persons found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

[R590-226-16.]R590-226-17. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule upon the effective date of this rule.

[R590-226-17.]R590-226-18. Severability.

If any provision of this rule or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances may not be affected by it.

KEY: life insurance filings

Date of Enactment or Last Substantive Amendment: [~~September 7,~~
~~2006~~]2007

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-
2-201.1; 31A-2-202